

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HARVEY LEE PRESTON,

Plaintiff,

v.

Case No. 4:24-cv-10555
Honorable F. Kay Behm

WARDEN RANDEE REWERTS, *et al.*,

Defendants.

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**ORDER TRANSFERRING CASE TO THE
WESTERN DISTRICT OF MICHIGAN**

Harvey Lee Preston, a Michigan prisoner without a lawyer confined at the Carson City Correctional Facility in Carson City, Michigan, has filed a complaint raising claims for violations of his constitutional rights. *See* 42 U.S.C. § 1983. He sues Michigan Department of Corrections employees Warden Randee Rewerts, Assistant Deputy Warden Garcia, Assistant Deputy Warden Nevins, Resident Unit Manager Smith, Prison Counselor Allen, Prison Counselor Ward, Prisoner Counselor Jones, Nurse Bellinger, and Psychologist Peterson in their individual and official capacities. Preston alleges that all claims arose during his incarceration at Carson City. He requests monetary and injunctive-type relief.

A review of Preston's allegations shows that his case would have been brought more appropriately in the Western District of Michigan. 28 U.S.C. § 1391 governs venue in federal civil cases and provides that a civil action may be brought in either: (1) a judicial district in which any defendant resides; or (2) the district in which a substantial part of the events giving rise to the claim occurred. 28 U.S.C. § 1391(b). The Carson City Correctional Facility is located in Montcalm County, which is in the Western District of Michigan. 28 U.S.C. § 102(b). Preston further alleges that all defendants are employed there, and that all the events forming the basis for his claims arose there.

If venue is improper in the district where a case is filed, a district court may transfer it to the appropriate district. 28 U.S.C. § 1406(a); *see also Sifuentes v. Pluto TV*, No. 23-cv-10129, 2023 WL 319929, at *1 (E.D. Mich. Jan. 19, 2023) ("Congress has instructed district courts to dismiss, or in the interest of justice transfer, a case filed in the wrong division or district. 28 U.S.C. § 1406(a)").

Accordingly, **IT IS ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Western District of Michigan under 28 U.S.C. § 1406(a). The Court has not reviewed Preston's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

IT IS SO ORDERED.

Dated: March 8, 2024

s/F. Kay Behm
F. KAY BEHM
United States District Judge